

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gordon Franklin,

File No. 22-cv-2224 (ECT/TNL)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Warden and Veteran Affair,

Respondents.

Magistrate Judge Tony N. Leung issued a Report and Recommendation on October 19, 2022. ECF No. 5. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**; and
2. Plaintiff's Petition for Writ of Habeas Corpus [ECF No. 1] is **DENIED**; and
3. Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [ECF No. 4] is **DENIED as moot**; and
4. This case is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 22, 2022

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court